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| EXAMINER | |
|---|---|
| PHAM, MICHAEL | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2167 | |

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/690,869 | WOOKEY, MICHAEL J. | |
| | Examiner | Art Unit | |
| | Michael D. Pham | 2167 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *24 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## *Detailed Action*

1. Claims 1 - 10 have been examined.

2. Claims 1 - 10 are pending.

3. Claims 1 - 10 are rejected as detailed below.

## *Drawings*

1. Objection to include textual labels for figure 2 is withdrawn.

2. Objection to element 612 not shown as described in the specification is withdrawn.

3. Prior objection for the drawings under 37 CFR 1.83(a) wherein the drawings must show every feature of the invention specified in the claims. That **the first, second, third, fourth data formats and data conversion steps in claim 1-10** must be shown or the feature(s) canceled from the claim(s) is withdrawn.

4. Objection to element 710 in figure 7 for not being mentioned in the description has been withdrawn.

## *Specification*

1. Prior objection to abstract is withdrawn.

2. Prior objection on page 45 line 16 or [0264] for having a typo for the word "First" is withdrawn.

3. Prior objection on page 21 lines 20-21 or [0137] for the first appearance of 622 was to have meant to be 620 is withdrawn.

4. Prior objection on page 21 lines 11-12 or [0136] for what appeared that step 616 is the validation step according to figure 6 and step 618 is the registering step and that in [0136], it suggested that 614 and 616 validate and register respectively is withdrawn.

5. Prior objection on page 25 lines 1-5 or [0145] for it suggesting that 720 is a validating step; however from figure 7 it appears 716 is the validating step is withdrawn.

### *Claim Objections*

1. Prior objections to claim 4 and 8 are withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6912539 by Kapitanski et. al. (hereafter Kapitanski) in view of U.S. Patent 6591272 by Williams (hereafter Williams).

**Claim 1:**

Kapitanski discloses **method in a data processing system having a program, the method comprising the steps of:**

**asynchronously receiving a data instance in a first format** [Col. 1 lines 55-65, discloses a format used in a database.];

**asynchronously receiving a copy of the data instance in a second format different than the first format** [Col. 1 lines 55-65, discloses converting data into different format (i.e. second format of the data instance). Col. 5 lines 60-65, asynchronously, entering in commands.];

**converting the data instance in the first format to the second format** [Col. 1 lines 55-65, conversion of a format (can be first) to another format (can be second).].

Kapitanski discloses a third format [Col. 1 lines 55-65, conversion of a format (can be second) to another format (can be third format). ] however Kapitanski does not explicitly disclose

**providing a datatype of a third format for the data instance and the copy of the data instance, each datatype having a metadata in the third format that describes the respective data instance and a reference in the third format to the respective data instance, the data instances being maintained separately from the datatypes, the third format being recognizable to a subscriber of the data instances to enable the subscriber to concurrently process the data instance in the first format and the copy of the data instance in the second format.**

On the other hand, Williams discloses translation of database content into objects. Williams further stating that skeleton code templates representative of final classes to be

produced are accessed and merged into a standard view, and that the source code for the class of objects is then generated. At runtime, data objects encapsulate metadata and data values (Abstract). Williams further disclosing (Col. 5 lines 17-29), that the data types in the relational databases are normalized into a standardized form to prepare the data for transmission to the requestor object. The metadata and normalized pseudo-object data are transmitted from the server computer to the client (Col. 5 lines 17-29). The client then receives the object according to a format that is required by the software on the client computer.

Both inventions are directed towards changing one database format into another. It would have been obvious to one of ordinary skill to have modified Kapitanski to have included

**providing a datatype of a third format for the data instance and the copy of the data instance, each datatype having a metadata in the third format that describes the respective data instance and a reference in the third format to the respective data instance, the data instances being maintained separately from the datatypes, the third format being recognizable to a subscriber of the data instances to enable the subscriber to concurrently process the data instance in the first format and the copy of the data instance in the second format**

based on the disclosure of Williams. One of ordinary skill in the art at the time the invention was made would have been motivated to do so for the purpose of assembling data interrelationships and datatypes into a standardized view of the database schemas and the plurality of all the possible logical objects contained therein in the databases are created [Williams, Col. 4 lines 54-

58].

**Claim 2:**

As to claim 2, Kapitanski discloses **wherein the second format is the same as the third format** [Col. 4 lines 31-38, where the system receives the command identifiers of the database programs designated by the user on which the user desires the command to be executed copies or reformats the command into the correct language or dialect for each designated database system, and for each database forwards the command copied or reformatted for that database system to that database system for execution. That is, a second format can be a third format.].

**Claim 3:**

As to claim 3, Kapitanski discloses, **wherein the step of converting the data instance in the first format to the second format further comprises:**

**converting the data instance in the first format to a fourth format** [Col. 1 lines 55-65, able to convert data from a format into what is designated as a fourth format]; and

**converting the data instance in the fourth format to the second format** [Col. 1 lines 55-65, able to convert from what is designated as a fourth format into what is designated as to a second format.].

**Claim 4:**

As to claim 4, Kapitanski discloses, **wherein the subscriber does is unable to recognize the first format** [Col. 6 lines 8-15 and clol. 6 lines 29-34, corresponding database program is

identified otherwise ignored.]

**Claim 5:**

As to claim 5, claim 5 contains similar limitations as to claim 1 except it claims a system. Accordingly, claim 5 is rejected for the similar reasons as claim 1.

**Claim 6:**

As to claim 6, claim 6 contains similar limitations as to claim 2 except it claims a system. Accordingly, claim 6 is rejected for the similar reasons as claim 2.

**Claim 7:**

As to claim 7, claim 7 contains similar limitations as to claim 3 except it claims a system. Accordingly, claim 7 is rejected for the similar reasons as claim 3.

**Claim 8:**

As to claim 8, claim 8 contains similar limitations as to claim 4 except it claims a system. Accordingly, claim 8 is rejected for the similar reasons as claim 4.

**Claim 9:**

As to claim 9, claim 9 contains similar limitations as to claim 1 and is therefore rejected for similar reasons. The only difference is that it claims memory having a program and a processing

unit to run the program. However, Kapitanski discloses that the program can be stored in memory and executed by a processor [Col. 3 lines 30-35].

**Claim 10:**

As to claim 10, claim 10 contains similar limitations as to claim 1 and is therefore rejected for the similar reasons.

***Response to Arguments***

Applicant's arguments filed 7/24/06 have been fully considered but they are not persuasive. The Applicant has asserted mainly the below remarks, which are replied to herein this office action set forth below.

1. Applicant's assert that nowhere does Kapitanski suggest asynchronously receiving a data instance. Applicants come to this conclusion by arguing that Kapitanski 5:60-65 does not disclose asynchronous communication. Stating that Kapitanski teaches that a user enters commands via a user interface that are processed one at a time. That this is clearly related to synchronous communication, not asynchronous communication. Lastly, indicating that the passage relates to receiving a user's commands, not a data instance and a copy of the data instance. That Williams also fails to disclose or suggest asynchronously receiving data instances. Therefore, asynchronously receiving a data instance is not taught.

*In response to the first argument, the examiner respectfully disagrees. The definition of asynchronous is a lack of concurrence (e.g. does not occur at the same time.). The only requirement for* ***asynchronously receiving a data instance*** *is that it receives data not at the same time. The system receives the database commands entered by user. The system allows a user to enter commands later, hence the user interface for entering commands. Therefore, the system is able to receive database commands asynchronously. Secondly, a data instance, is a broad term. What it appears to mean is created data. In this case the database commands created by user were received by the system. Hence, receiving a data instance. Therefore, Applicant's assertion that* ***asynchronously receiving a data instance*** *not taught by Kapitanski is unpersuasive.*

2. Applicant's assert that Kapitanski fails to disclose or suggest converting an asynchronously received data instance from one format to another. Stating that instead, Kapitanski teaches how to convert database commands from one language to another, and that this is unrelated to converting an asynchronously received data instance from one format to another.

*In response, the examiner respectfully disagrees. Applicant's agree that Kapitanski teaches converting database commands from one language to another. What Applicant's do not agree on is that a database command in Kapitanski cannot be construed to be a data instance, and therefore Applicant's do not believe that Kapitanski discloses converting an asynchronously received data instance from one format to another. First, it is noted that the data instance term used by Applicant's is a very broad term. That a data instance appears to merely mean created data. In this case the database command to enter is created by the user for use in the query to*

*convert it from one format to another. Therefore, as above, in the particular case, the created data instance is the database command entered by user can be construed to be the data instance. Therefore, converting an asynchronously received data instance from one format to another is disclosed by the cited reference.*

3. Applicant assert that one having skill in the art would not have been motivated to combine Kapitanski and Williams to attempt the suggested invention because the references are unrelated to one another. Williams being related to translating database entries into objects, and Kapitanski relates to converting database commands from one format to another.

*In response the examiner respectfully disagrees. Kapitanski identifies a problem with the prior art that database programs speak a language that has much in common with other databases or a standard language, each may speak a variation of the language, referred to as a dialect. However the problem is that commands written for one database program in one dialect will not operate in a database program that uses a different dialect [Kapitanski, 1:49-54]. Similarly, Williams discloses a similar problem that the syntax of SQL and operation of relational databases can vary significantly from one database vendor and type to another. It can thus be problematic, within an application, to change from one database type to another [Williams 2:55-58]. Essentially, both systems attempt to convert one database language to another, thus they are both implemented in the same environment. Therefore one of ordinary skill in the art would have been motivated to combine Kapitanski and Williams as they are both related to database translation.*

*Conclusion*

The prior art made of record listed on PTO-892 and not relied upon, if any, is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 8am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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